

REMARKS

The Examiner stated that the information disclosure statement filed on 4/27/2005 did not comply with 37 C.F.R. 1.97, 37 C.F.R. 1.98, and MPEP § 609 because the documents were not in the proper form for the citation of electronic documents.

Applicant has submitted a new information disclosure statement that Applicant believes complies with 37 C.F.R. 1.97, 37 C.F.R. 1.98, and MPEP § 609.

The Examiner noted that the application included the use of several trademarks.

The Applicant has amended the specification of the application so that the trademarks are capitalized and are accompanied by generic terminology.

The Examiner objected to the specification because of a typographical error. Applicant thanks the Examiner for locating the error. Applicant has amended the specification of the application to correct the noted error. In addition, Applicant has amended the specification to correct several other typographical errors.

The Examiner rejected independent claims 1, 14, and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0009462 to McElwrath in view of U.S. Patent No. 6,755,662 to Fujino *et al.* In that regard, the Examiner stated:

“McElwrath does not disclose expressly in addition to the plurality of answers, a plurality of keywords that form a part of the answers. However, Fujino teaches such (i.e., Keywords extracted from the questions and answers are recorded in ‘Question keyword’ and ‘Answer keyword.’) in Col. 4: 31-32. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate a plurality of keywords that form a part of the answers into the method and system of McElwrath, in light of the teaching of Fujino, in order to enable a student to select a question compatible with his/her own question.”

Applicant respectfully submits that the pending claims of the application are patentable over McElwrath and Fujino *et al.* because: (a) the combination of McElwrath and Fujino *et al.* does not teach all of the elements of claims 1, 14, or 27; (b) Fujino *et al.* teaches away from the claimed invention; and (c) combining McElwrath with Fujino *et al.* changes the principal of operation of McElwrath.

McElwrath

McElwrath discloses a method of developing customized electronic courses. *McElwrath*, abstract. A customized electronic course includes, among other things, frequently asked questions (“FAQs”) that are created by a course instructor.

“This link, found on the Course Environment Page, provides the student access to course frequently asked questions. These questions and answers were created by the course instructor.” *McElwrath*, para. 0249.

The FAQs of McElwrath, are “course-specific.”

“In this series of screens instructors are asked to enter course-specific frequently-asked questions and their answers. Once submitted, the questions and answers are made available to the students enrolled in the course whenever they click on the FAQ button in their course environment.” *McElwrath*, para. 0261.

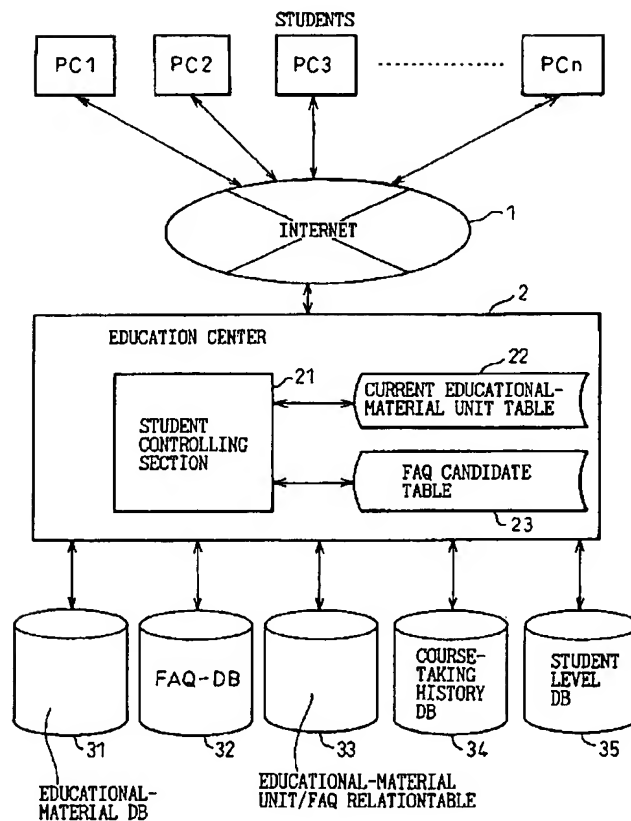
Thus, McElwrath allows students to directly select course-specific FAQs.

Fujino *et al.*

Fujino *et al.* discloses an education system. *Fujino et al.*, col. 2, lns. 65 – 66.

As shown in Figure 1 of Fujino *et al.*, which is presented below, the education system includes an educational-material database 31.

Fig.1



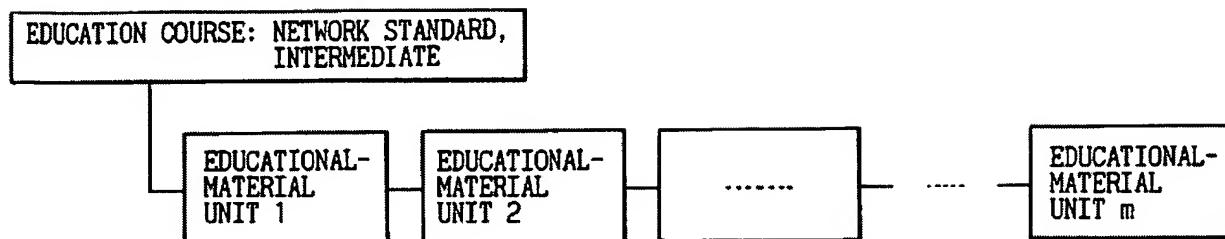
The educational-material database 31 is utilized to store educational course materials.

“Each educational-material unit is stored in the educational-material DB 31 in FIG. 1.” *Fujino et al.*, col. 3, lns. 41 – 42.

A number of educational-material units are combined to form an education course.

“As shown in FIG. 3, one education course includes a plurality of educational-material units. In the illustrated example, the education course of ‘Network Standard, Intermediate’ includes a plurality of educational-material units 1 to n.” *Fujino et al.*, col. 3, lns. 36 – 40.

Fig.3



The structure of a particular educational-material unit is shown in Figure 4 of Fujino *et al.*, which is presented below.

Fig.4

EDUCATIONAL-MATERIAL DB 31

CATEGORY	EDUCATION SERIES	EDUCATION COURSE	EDUCATIONAL-MATERIAL UNIT NUMBER	LEVEL	LEARNING KEYWORD	PRECONDITION KEYWORD	EDUCATIONAL-MATERIAL ENTITY (CONTENTS OF EDUCATIONAL MATERIALS)
NETWORK	NETWORK STANDARD	NETWORK STANDARD, INTERMEDIATE I	276	2	MAC ADDRESS VENDOR CODE IEEE NIC	ADDRESSING NETWORK ADDRESS HOST ADDRESS IP ADDRESS TCP/IP ADDRESS	MAC ADDRESS IS SET IN NIC CONNECTING TO EACH COMPUTER. THIS PART IS AN ADDRESS SPECIFIED FOR A MANUFACTURER FOR SETTING NIC. IEEE IS...
...

As shown in Figure 4 of Fujino *et al.*, each educational-material unit includes data that indicates the education course to which the educational-material unit belongs. Fujino *et al.*, col. 3, lns. 49 – 50. In light of the above, it is clear that the educational-material units of Fujino *et al.* are included in an educational course.

As shown in Figure 1 of Fujino *et al.*, which is presented above, the education system includes a FAQ database 32. The FAQ database includes “a large number of FAQ[s].” Fujino *et al.*, col. 3, lns. 66 – 67. The structure of a particular FAQ is shown in Figure 5 of Fujino *et al.*, which is presented below.

Fig.5

FAQ-DB 32

FAQ NUMBER	CATEGORY	ACCUMULATION OF FAQ EFFECTIVE NUMBER FOR EACH STUDENT LEVEL					QUESTION KEYWORD	ANSWER KEYWORD	QUESTION	ANSWER
		1	2	3	4	5				
125	NETWORK	30	98	32	21	3	NETWORK ADDRESS HOST ADDRESS TCP/IP	TCP/IP IP ADDRESS LAYER 3 NETWORK LAYER OSI REFERENCE MODEL	WHAT ARE THE HOST ADDRESS OF TCP/IP AND THE NETWORK ADDRESS?	THE HOST ADDRESS IS DESCRIBED AT THE DESCENDENT OF THE IP ADDRESS IN TCP/IP...
...

As shown in Figure 5 of Fujino *et al.*, a FAQ includes a question, a question keyword, an answer, and an answer keyword. However, a FAQ does not contain data that indicates the educational course to which the FAQ belongs. Thus, a FAQ is not included in an educational course.

In order to access a FAQ, a student utilizes a FAQ search system. In order to use the FAQ search system, the student first enters a question. Fujino *et al.*, col. 4, lns. 53 – 55. The Fujino *et al.* education system then converts the question into a FAQ search request. *Id.* Then, according to Fujino *et al.*:

“When the request is received (A5), a FAQ question selecting screen is prepared and presented to the student (A6).

The screen shows FAQ questions in the order from a question which is considered to be most suitable for the student asking the question.” Fujino *et al.*, col. 4, lns. 54 – 59.

The FAQ suitability is determined based upon, among other things, a comparison of the FAQ answer keywords with other keywords. Fujino *et al.*, col. 4, lns. 59 – 64. Using the FAQ question selecting screen, the student selects a FAQ. Fujino *et al.*, col. 4, ln. 66. Then, the answer to the selected FAQ is presented to the student. Fujino *et al.*, col. 5, lns. 1 – 2.

**The Combination of McElwrath and Fujino *et al.*
Does Not Teach All of the Elements of Claims 1,
14, or 27**

According to Section 2143 of the MPEP, to establish a *prima facie* case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.”

One of the limitations of claims 1 and 14 follows:

“at least one of the plurality of training courses including a plurality of questions, a plurality of answers, and, in addition to the plurality of answers, a plurality of keywords that form a part of the answers.”

Similarly, claim 27 requires:

“at least one of the plurality of training sessions including a plurality of questions, a plurality of answers, and, in addition to the plurality of answers, a plurality of keywords that form a part of the answers.”

The Applicant and the Examiner both agree that McElwrath does not disclose the above limitations. However, Applicant submits that Fujino *et al.* also does not disclose the above limitations.

Fujino *et al.* does disclose an educational course, *i.e.*, a training course. In addition, Fujino *et al.* discloses a plurality of FAQs that include a question, an answer, and in addition to the answer, a keyword that forms a part of the answer. However, the disclosed FAQ questions, answers and answer keywords are not a part of the disclosed educational course. Instead, Fujino *et al.* separates the FAQ questions, answers, and answer keywords from educational courses. Claims 1, 14, and 27 require a plurality of questions, answers, and answer keywords to be included in a training course. Thus, the combination of McElwrath and Fujino *et al.* does not disclose all of the elements of claims 1, 14, or 27. Therefore, Applicant submits that those claims are patentable over McElwrath and Fujino *et al.*

Fujino Teaches Away from the Claimed Invention

According to Section 2141.02 of the MPEP, “[a] prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention.”

(emphasis in original) Thus, according to Section 2145 of the MPEP, “[i]t is improper to combine references where the references teach away from their combination.”

Applicant submits that Fujino *et al.* teaches away from the claimed invention. Thus, Fujino *et al.* should not be combined with McElwrath.

Fujino *et al.* discloses an educational course, *i.e.*, a training course. In addition, Fujino *et al.* discloses a plurality of FAQs that each include a question, an answer, and in addition to the answer, a keyword that forms a part of the answer. However, Fujino *et al.* separates the FAQs from the educational courses. This separation teaches away from the claimed invention, which requires that questions, answers, and answer keywords be included in a training course. Thus, according to Section 2145 of the MPEP, it is improper to combine Fujino *et al.* with McElwrath.

Combining McElwrath with Fujino *et al.* Changes the Principle of Operation of McElwrath

According to Section 2143.01 of the MPEP, “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”

Applicant submits that combining McElwrath with Fujino *et al.* changes the principal of operation of McElwrath.

McElwrath discloses that FAQs are included in an educational course. *McElwrath*, para. 0249. Thus, only course-specific FAQs are available to students. *McElwrath*, para. 0261. Because the FAQs are specific to a course, only a relatively small number of FAQs are available to a student. More importantly, each of the available FAQs are relevant to the course. Thus, a student simply clicks on a “FAQ button” to view relevant FAQs. *McElwrath*, para. 0261. Because all of the FAQs of McElwrath are relevant, there is no need to employ a sophisticated search system to locate relevant FAQs.

Contrary to McElwrath, Fujino *et al.* discloses that “a large number” of FAQs are available to a student. *Fujino et al.*, col. 3, lns. 66 – 67; *Fujino et al.*, Figure 5. Because the FAQs are not included in a course, *i.e.*, the FAQs are not specific to a course, many (and most

likely most) of the FAQs are not relevant to a particular course. Some FAQs may be appropriate for more advanced courses and some may be appropriate for more elementary courses. Thus, a student accessing such a large number of non-relevant FAQs needs to utilize a FAQ search system to locate relevant FAQs. The FAQ search system disclosed by Fujino *et al.* utilizes, among other things, answer keywords to facilitate FAQ searches.

The only reason that Fujino *et al.* utilizes a FAQ search system, which references answer keywords, is because the FAQs of Fujino *et al.* are not included in a course. If the FAQs of Fujino *et al.* were included in a course, then each FAQ available to a student taking a course would be relevant to the student. Thus, just as in McElwrath, there would be no need for a FAQ search system.

In light of the above, combining McElwrath with Fujino *et al.* would change the principle of operation of McElwrath. First, there is no benefit to combining the answer keyword of Fujino *et al.* unless the FAQ search system of Fujino *et al.* is also combined with McElwrath. (The answer keyword of Fujino *et al.* serves no purpose other than facilitating searching for FAQs via the FAQ search system of Fujino *et al.*) However, if the FAQ search system of Fujino *et al.* is combined with McElwrath, then students can no longer directly access FAQs and FAQ answers. (Recall that according to McElwrath, “questions and answers are made available to the students enrolled in the course whenever they click on the FAQ button in their course environment.” *McElwrath*, para. 0261.) Instead, if McElwrath is combined with Fujino *et al.*, (a) a student would be required to enter a question, (b) have the question translated into a search request, (c) have a search performed to locate relevant FAQs, (d) have the relevant FAQs transmitted to the student, and then finally (e) select a relevant FAQ in order to view a FAQ answer. Thus, the principle of operation of McElwrath is significantly changed by combining McElwrath with Fujino *et al.*

Second, using the FAQ search system of Fujino *et al.*, students can no longer efficiently access FAQs that are included in a particular course. Recall that the FAQ search system of Fujino *et al.* does not allow limiting a search to course-specific FAQs. Thus, if an instructor creates course-specific FAQs as in Fujino *et al.*, those FAQs can no longer be efficiently accessed by the instructor’s students. Instead, a student must enter a question in an attempt to

locate course-specific FAQs. To say the least, such an inefficient system has little utility, if any, for a education course that includes course-specific FAQs.

In light of the fact that combining McElwrath with Fujino *et al.* changes the principle of operation of McElwrath, according to Section 2143.01 of the MPEP, “the teachings of the references are not sufficient to render the claims *prima facie* obvious.”

In light of the above, Applicant submits that independent claims 1, 14, and 27 are patentable over McElwrath and Fujino *et al.* For at least the reasons discussed above, Applicant submits that the claims that depend from independent claims 1, 14, and 27 are likewise allowable.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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